

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:23-cv-00835-MR**

SHAUN M. MORGAN-DALTON, )  
Petitioner, )  
vs. )  
PAZAVAR PRIEST, Acting Warden, )  
Respondent. )

) **MEMORANDUM OF**  
**DECISION AND ORDER**

**THIS MATTER** comes before the Court on the *pro se* Petitioner's  
“Request To Adjoin Appealability Prima Facie Facts State Lacks Jurisdiction”  
[Doc. 7], which the Court construes as a Motion for Reconsideration.

Shaun M. Morgan-Dalton (the “Petitioner”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in this Court on December 5, 2023. [Doc. 1]. The Court entered an Order on February 9, 2024, dismissing the petition as untimely filed and procedurally barred for failure to exhaust his available state remedies. [Doc. 5]. In that Order, the Court also declined to grant the Petitioner a certificate of appealability pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases. [Id.].

By the present motion, the Petitioner again moves this Court to vacate his sentence and prior felony convictions. [Doc. 7]. In doing so, the

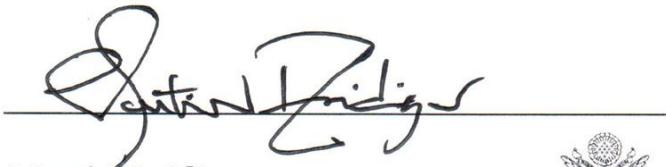
Petitioner largely reiterates the arguments set forth in his § 2254 petition but cites additional legal authorities. [Id.]. As such, the Court construes this request as a Motion for Reconsideration as to the Court's previous dismissal of the Petitioner's § 2254 petition [Doc. 5].

The Court has already set forth its reasoning for the dismissal of the Petition for Writ of Habeas Corpus: namely, untimeliness and failure to exhaust state remedies. [Id.]. The Petitioner sets forth no new evidence or arguments on this issue to convince the Court that it should reconsider its prior Order; he instead makes substantive legal arguments as to the invalidity of his underlying state conviction.

**IT IS, THEREFORE, ORDERED** that the Petitioner's "Request To Adjoin Appealability Prima Facie Facts State Lacks Jurisdiction" [Doc. 7] is **DENIED**.

**IT IS SO ORDERED.**

Signed: April 29, 2024



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Martin Reidinger  
Chief United States District Judge

